

EXHIBIT C

Excerpts from Deposition of Amanda Nickel

AMANDA L. NICKEL
DELVECCHIA Vs. FRONTIER AIRLINES

December 11, 2019
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<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 FOR THE DISTRICT OF NEVADA</p> <p>3</p> <p>4 PETER DELVECCHIA, et al.,</p> <p>5 Plaintiffs,</p> <p>6 vs. CASE NO.</p> <p>7 FRONTIER AIRLINES, INC., 2:19-CV-01322-KJD-NJK</p> <p>8 et al.,</p> <p>9 Defendants.</p> <p>10</p> <p>11</p> <p>12</p> <p>13 VIDEOTAPED DEPOSITION OF</p> <p>14 AMANDA LEE NICKEL</p> <p>15</p> <p>16 Wednesday, December 11, 2019</p> <p>17 9:01 a.m.</p> <p>18</p> <p>19 9950 West Cheyenne Avenue</p> <p>20 Las Vegas, Nevada</p> <p>21</p> <p>22 Judith Payne Kelly, RMR, CCR-539</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 3</p> <p>1 INDEX OF EXAMINATION</p> <p>2</p> <p>3 Witness Page</p> <p>4 AMANDA LEE NICKEL</p> <p>5 EXAMINATION</p> <p>6 By Mr. McKay 5</p> <p>7 By Mr. Maye 130</p> <p>8 By Mr. McKay 134</p> <p>9</p> <p>10</p> <p>11</p> <p>12 INDEX TO EXHIBITS</p> <p>13</p> <p>14 Exhibit Description Page</p> <p>15 Exhibit 1 Summary of training, 19AZF0229 34</p> <p>16 DELVECCHIA FRONTIER 203</p> <p>17 Exhibit 2 Las Vegas Metropolitan Police 34</p> <p>18 Department Voluntary Statement,</p> <p>19 19AZF0229 DELVECCHIA FRONTIER 0120</p> <p>20 and 0121</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES OF COUNSEL</p> <p>2</p> <p>3</p> <p>4 For the Plaintiffs:</p> <p>5 JOHN D. MCKAY, ESQ.</p> <p>6 Park Avenue Law, LLC</p> <p>7 127 West Fairbanks Avenue</p> <p>8 Box 519</p> <p>9 Winter Park, Florida 32789</p> <p>10 800.391.3654</p> <p>11 parkavelaw@gmail.com</p> <p>12</p> <p>13 For Defendant Frontier Airlines:</p> <p>14 BRIAN T. MAYE, ESQ.</p> <p>15 Adler Murphy & McQuillen, LLP</p> <p>16 20 South Clark Street</p> <p>17 Suite 2500</p> <p>18 Chicago, Illinois 60603</p> <p>19 312.345.0700</p> <p>20 bmaye@amm-law.com</p> <p>21</p> <p>22 Also Present:</p> <p>23 MONICA HAYWORTH, VIDEOGRAPHER</p> <p>24 PETER DELVECCHIA</p> <p>25 * * * * *</p>	<p style="text-align: right;">Page 4</p> <p>1 Deposition of AMANDA LEE NICKEL</p> <p>2 December 11, 2019</p> <p>3</p> <p>4 THE VIDEOGRAPHER: This is Media No. 1 to the</p> <p>5 video-recorded deposition of Amanda Nickel in the</p> <p>6 matter of Peter DelVecchia versus Frontier Airlines,</p> <p>7 Incorporated, being heard before the United States</p> <p>8 District Court for the District of Nevada, Case</p> <p>9 No. 2:19-CV-01322-KJD-NJK.</p> <p>10 This deposition is being held at Titolo Law</p> <p>11 Office in Las Vegas, starting at 9:01 a.m. My name is</p> <p>12 Monica Hayworth, and I'm the videographer. The court</p> <p>13 reporter is Judy Kelly, with Esquire Deposition</p> <p>14 Solutions.</p> <p>15 Counsel, will you please introduce yourselves</p> <p>16 and affiliations, and the witness will then be sworn.</p> <p>17 MR. MCKAY: John McKay of Park Avenue Law for</p> <p>18 the plaintiffs.</p> <p>19 MR. MAYE: Brian Maye for Frontier Airlines.</p> <p>20 THE VIDEOGRAPHER: Thank you.</p> <p>21 Thereupon,</p> <p>22 AMANDA LEE NICKEL, having been first duly</p> <p>23 sworn, was examined and testified as follows:</p> <p>24 ///</p> <p>25 ///</p>



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<p style="text-align: right;">Page 65</p> <p>1 others?</p> <p>2 MR. MAYE: Object to form.</p> <p>3 A. Later on in the flight, there was other</p> <p>4 observations made by other people.</p> <p>5 Q. (By Mr. McKay) Okay. Let's continue with</p> <p>6 your statement here. So we've talked about your uneasy</p> <p>7 feeling; and then the next sentence is "Shortly after</p> <p>8 takeoff, during service, the" -- and there's a</p> <p>9 redaction there -- "was sleeping."</p> <p>10 What was in the box that was redacted?</p> <p>11 A. I don't remember the exact word, but I was</p> <p>12 referring to the father.</p> <p>13 Q. Okay. So the father -- you observed the</p> <p>14 father being asleep?</p> <p>15 A. At the time of service, yes.</p> <p>16 Q. Okay. And was it your job to service that</p> <p>17 row that they were seated in?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Did you observe the son at that same</p> <p>20 time?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Did you observe what he was wearing?</p> <p>23 A. It was dark, so no.</p> <p>24 Q. Okay. So other -- if it hadn't been dark,</p> <p>25 you would have seen what he was wearing? Is that what</p>	<p style="text-align: right;">Page 67</p> <p>1 MR. MAYE: Object to form.</p> <p>2 A. Because I did not put all of the specific</p> <p>3 details in this statement.</p> <p>4 Q. (By Mr. McKay) So you specifically have a</p> <p>5 memory of him glancing at his father after you asked</p> <p>6 the question?</p> <p>7 A. Yes.</p> <p>8 Q. Could it perhaps have been to see whether his</p> <p>9 father wanted something to eat or drink?</p> <p>10 MR. MAYE: Object to form.</p> <p>11 A. It may have been, but he was sleeping.</p> <p>12 Q. (By Mr. McKay) Could it perhaps have been to</p> <p>13 see whether his father was awake to be able to pay for</p> <p>14 the food and drink that you were selling?</p> <p>15 A. I can't speculate on that.</p> <p>16 Q. Because people have to pay for it, right?</p> <p>17 A. Except if they would like a glass of water.</p> <p>18 Q. Okay. But you said anything to eat or drink.</p> <p>19 So anything that he wanted to eat, he would have to</p> <p>20 have paid for, right?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And that's just a fact of life on</p> <p>23 Frontier Airlines, isn't it?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. So in your experience, 12-year-old</p>
<p style="text-align: right;">Page 66</p> <p>1 you're saying?</p> <p>2 MR. MAYE: Object to form.</p> <p>3 A. I would assume so, yes.</p> <p>4 Q. (By Mr. McKay) Okay. And so the father was</p> <p>5 sleeping. "So I asked" blank "if he would like" -- "if</p> <p>6 he wanted anything to eat or drink."</p> <p>7 That would have been the son?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And do you know whether you said "the</p> <p>10 son" in that box?</p> <p>11 A. Like I said, I don't recall the exact word</p> <p>12 that was put there.</p> <p>13 Q. Okay. "And he very anxiously shook his head</p> <p>14 no without speaking." That's what you wrote?</p> <p>15 A. Correct. Yes.</p> <p>16 Q. Okay. And how did you determine that it was</p> <p>17 very anxiously?</p> <p>18 MR. MAYE: Object to form.</p> <p>19 A. His body movements, the fact that he wouldn't</p> <p>20 speak to me. He shook his head very quickly after</p> <p>21 glancing over to the father, who was sleeping, and</p> <p>22 refused to answer the question verbally.</p> <p>23 Q. (By Mr. McKay) Well, you don't say anything</p> <p>24 about him glancing over to his father here in the</p> <p>25 statement. Why not?</p>	<p style="text-align: right;">Page 68</p> <p>1 children don't usually carry a lot of money, do they?</p> <p>2 MR. MAYE: Object to form.</p> <p>3 A. I don't know.</p> <p>4 Q. (By Mr. McKay) You don't know whether</p> <p>5 12-year-old children typically carry a lot of money?</p> <p>6 MR. MAYE: Object to form.</p> <p>7 A. I'm not an expert on all 12-year-old</p> <p>8 children.</p> <p>9 Q. (By Mr. McKay) You have a 12-year-old child.</p> <p>10 A. Correct.</p> <p>11 Q. Does he carry around a lot of money?</p> <p>12 A. He carries money, yes.</p> <p>13 MR. MAYE: Object to form.</p> <p>14 Q. (By Mr. McKay) Okay. But are you -- do all</p> <p>15 of his friends also carry around a lot of money?</p> <p>16 A. I don't know. I don't know his friends.</p> <p>17 Q. All right. Would you agree with me that it</p> <p>18 wouldn't have been unusual for a 12-year-old child to</p> <p>19 look to their parent to pay for something if they</p> <p>20 wanted to buy something to eat?</p> <p>21 MR. MAYE: Object to form.</p> <p>22 A. It -- like I said, it was the body movement</p> <p>23 of very anxiously shaking his head no, like he didn't</p> <p>24 want to speak to me anymore.</p> <p>25 Q. (By Mr. McKay) Well, now you've already at</p>

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<p style="text-align: right;">Page 81</p> <p>1 A. -- not that I noticed.</p> <p>2 Q. (By Mr. McKay) I understand what you said,</p> <p>3 but I'm asking you specifically did you observe --</p> <p>4 A. And I said no three times.</p> <p>5 Q. -- them --</p> <p>6 Well, it may be the way you think you say</p> <p>7 something, but what you actually said was "Not that I</p> <p>8 noticed."</p> <p>9 A. So not that I observed.</p> <p>10 Q. Okay. So you did not observe them arguing?</p> <p>11 Right?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. So they complied with the</p> <p>14 instructions?</p> <p>15 A. Yes.</p> <p>16 Q. And they didn't swing any fists or arms at</p> <p>17 Anna Bond?</p> <p>18 A. Not that I observed.</p> <p>19 Q. So they didn't?</p> <p>20 A. Not that I observed.</p> <p>21 Q. You did not observe them swinging any arms or</p> <p>22 fists at Anna Bond?</p> <p>23 MR. MAYE: That's right.</p> <p>24 A. That's what I said three times.</p> <p>25 MR. MAYE: That's what she said three times.</p>	<p style="text-align: right;">Page 83</p> <p>1 A. I believe it was male, but I can't a hundred</p> <p>2 percent say.</p> <p>3 Q. Okay. Do you remember whether he was</p> <p>4 Caucasian or black?</p> <p>5 A. No. No.</p> <p>6 Q. Okay. Now, did you observe Peter and A.D.</p> <p>7 harassing that passenger?</p> <p>8 A. No.</p> <p>9 Q. Did anyone else tell you that they observed</p> <p>10 Peter and A.D. harassing that passenger?</p> <p>11 A. No.</p> <p>12 Q. Okay. So there was no harassment going on</p> <p>13 between Peter and A.D. and that passenger?</p> <p>14 A. Yes.</p> <p>15 Q. That's correct, a correct statement?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 MR. MAYE: John, do you want to take a break?</p> <p>19 It's about an hour and forty minutes in.</p> <p>20 MR. McKAY: Oh, we did take a break. We took</p> <p>21 two breaks.</p> <p>22 Let me just finish this line of questioning.</p> <p>23 MR. MAYE: That's fine. I just want to make</p> <p>24 sure that the court reporters are fine.</p> <p>25 MR. McKAY: You know, I have concerns about</p>
<p style="text-align: right;">Page 82</p> <p>1 Q. (By Mr. McKay) Yes, I understand what you</p> <p>2 think you said.</p> <p>3 Okay. So Peter and A.D. were given a safety</p> <p>4 instruction and they complied with it. So is that a</p> <p>5 basis on which to conclude that they may become a</p> <p>6 safety issue?</p> <p>7 MR. MAYE: Object to form.</p> <p>8 A. That had nothing to do --</p> <p>9 Q. (By Mr. McKay) I just want a yes or no.</p> <p>10 A. Ask it again.</p> <p>11 Q. You observed Peter and A.D. complying</p> <p>12 willingly with a safety instruction, right?</p> <p>13 A. Yes.</p> <p>14 Q. And that was not a reason to tell the</p> <p>15 captain, right?</p> <p>16 A. In and of itself, no.</p> <p>17 Q. Good. Okay. So did you observe Peter and</p> <p>18 A.D. -- well, strike that.</p> <p>19 When they moved to row 17, was there another</p> <p>20 passenger in row 17?</p> <p>21 A. Yes.</p> <p>22 Q. Do you remember anything about that</p> <p>23 passenger?</p> <p>24 A. No.</p> <p>25 Q. Male, female?</p>	<p style="text-align: right;">Page 84</p> <p>1 all of them as well.</p> <p>2 MR. MAYE: Okay.</p> <p>3 MR. McKAY: But I know that we just recently</p> <p>4 took two breaks.</p> <p>5 THE WITNESS: Not when we -- not when we were</p> <p>6 still on the record. I did not get a break.</p> <p>7 MR. MAYE: Taking a break is not a bad thing.</p> <p>8 I'm not trying to disrupt you or . . .</p> <p>9 Q. (By Mr. McKay) So you decided to talk to the</p> <p>10 captain and the first officer about it. And then it</p> <p>11 says "He advised us to do frequent walk-bys." Who is</p> <p>12 "he"?</p> <p>13 A. The captain.</p> <p>14 Q. Rex Shupe?</p> <p>15 A. Yes.</p> <p>16 Q. Did you know him?</p> <p>17 A. No.</p> <p>18 Q. Have you ever flown with him again?</p> <p>19 A. Not that I believe so.</p> <p>20 Q. Had you ever flown with him previously?</p> <p>21 A. Not that I believe so.</p> <p>22 Q. And then as you see there, there's a</p> <p>23 redaction. Do you know what was in that redaction?</p> <p>24 A. I believe it was Scott's observation.</p> <p>25 Q. Okay. So would you read the sentence,</p>

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<p style="text-align: right;">Page 129</p> <p>1 believe he sat down in the row, but I can't recall.</p> <p>2 Q. Okay. Because there were times when you were</p> <p>3 not observing?</p> <p>4 A. He never -- because the other passenger was</p> <p>5 on the aisle, so I don't -- Scott never sat in the</p> <p>6 middle of them or anything.</p> <p>7 Q. And you're sure of that?</p> <p>8 A. To the best of my recollection, yes.</p> <p>9 Q. Okay. But there are times when you didn't --</p> <p>10 when you weren't watching row 31, right?</p> <p>11 A. Correct. But I was vigilant of -- or knew</p> <p>12 where Scott was. I mean, you don't necessarily sit in</p> <p>13 a row next to a passenger. That's not in our job.</p> <p>14 Q. All right. I'm not asking about your</p> <p>15 specific job at this point. I'm just asking about your</p> <p>16 observations.</p> <p>17 A. And my observations were I don't -- I don't</p> <p>18 believe Scott was ever sitting in the middle seat.</p> <p>19 Q. Okay. But you would agree with me there were</p> <p>20 times when you were doing your job, as you said, that</p> <p>21 you were not looking at row 31?</p> <p>22 A. I was not looking at 30 -- row 31 every</p> <p>23 second of the flight.</p> <p>24 MR. McKAY: Okay. Those are the only</p> <p>25 questions that I have today, but I'm just going to</p>	<p style="text-align: right;">Page 131</p> <p>1 started interviewing the suspected perpetrator?</p> <p>2 MR. McKAY: Objection to the form of the</p> <p>3 question.</p> <p>4 A. The perpetrator could get angry; there could</p> <p>5 be physical violence to other passengers or to crew.</p> <p>6 Q. (By Mr. Maye) And why do you separate a</p> <p>7 suspected victim from the suspected perpetrator on a</p> <p>8 flight?</p> <p>9 MR. McKAY: Objection to the form of the</p> <p>10 question.</p> <p>11 A. For the safety of the victim and other</p> <p>12 passengers, the -- yeah, for the safety.</p> <p>13 Q. (By Mr. Maye) And is that based on your</p> <p>14 training?</p> <p>15 A. Yes.</p> <p>16 Q. What about Frontier guidelines and policies?</p> <p>17 A. In Frontier's guidelines, you're supposed to</p> <p>18 separate -- always separate the victim. They tell us</p> <p>19 specifically you need to -- several rows need to be in</p> <p>20 between the victim and the perpetrator; we're not</p> <p>21 supposed to question the victim or the perpetrator,</p> <p>22 just make the victim comfortable and wait for law</p> <p>23 enforcement when they land.</p> <p>24 Q. And as a flight attendant, can you move the</p> <p>25 suspected victim without notifying the captain?</p>
<p style="text-align: right;">Page 130</p> <p>1 adjourn because we do have some outstanding discovery</p> <p>2 issues.</p> <p>3 THE WITNESS: What does that mean? I have to</p> <p>4 come back?</p> <p>5 MR. MAYE: No, I don't know what he means --</p> <p>6 THE WITNESS: Okay.</p> <p>7 MR. MAYE: -- but I do have a few follow-up</p> <p>8 questions.</p> <p>9 THE WITNESS: Okay.</p> <p>10 EXAMINATION</p> <p>11 BY MR. MAYE:</p> <p>12 Q. You testified earlier that before a decision</p> <p>13 is made to separate a suspected victim of violence or</p> <p>14 sexual misconduct, you don't interview those involved</p> <p>15 or you don't conduct any, you know, investigation</p> <p>16 involving asking questions of the suspected</p> <p>17 perpetrator, suspected victim. Is that right?</p> <p>18 MR. McKAY: Objection to the form of the</p> <p>19 question; and no, that was not her testimony.</p> <p>20 A. Correct. It is not in our training to</p> <p>21 question the victim or the perpetrator. We leave that</p> <p>22 to law enforcement so that we don't try and escalate a</p> <p>23 situation.</p> <p>24 Q. (By Mr. Maye) And when you say "escalate the</p> <p>25 situation," what do you mean? What could happen if you</p>	<p style="text-align: right;">Page 132</p> <p>1 MR. McKAY: Objection to the form of the</p> <p>2 question.</p> <p>3 A. Actually, in the sexual misconduct training,</p> <p>4 it says to separate them first and then notify the</p> <p>5 pilot.</p> <p>6 Q. (By Mr. Maye) In this case you didn't do</p> <p>7 that, right?</p> <p>8 MR. McKAY: Objection to the form of the</p> <p>9 question.</p> <p>10 A. Correct.</p> <p>11 Q. (By Mr. Maye) You first contacted the</p> <p>12 captain, correct?</p> <p>13 A. Yes.</p> <p>14 MR. McKAY: Objection to the form of the</p> <p>15 question.</p> <p>16 Q. (By Mr. Maye) And why did you do that?</p> <p>17 A. Because we wanted to make sure we were making</p> <p>18 the right decision in this case.</p> <p>19 Q. When Scott separated A.D. from his father,</p> <p>20 did you observe the demeanor of Mr. DelVecchia?</p> <p>21 MR. McKAY: Objection to the form of the</p> <p>22 question.</p> <p>23 A. I observed that there wasn't any yelling or</p> <p>24 screaming or any arguing at that time. I noticed the</p> <p>25 father stand up as the son exited the row. There was a</p>

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1 very brief discussion, only a few words spoken at that
2 time, until later when the father came back to the back
3 of the plane to speak to us.

4 Q. (By Mr. Maye) At any point did you observe
5 A.D. crying at all?

6 A. No.

7 Q. What are the potential risks of not
8 separating a potential victim from the suspected
9 perpetrator during a flight?

10 MR. McKAY: Objection to the form -- sorry.
11 Objection to the form of the question.

12 A. There could be continued harassment,
13 touching, continued threat to his safety if we hadn't
14 separated them.

15 Q. (By Mr. Maye) So by separating A.D. from his
16 father, you were removing a potential safety threat to
17 A.D.?

18 MR. McKAY: Objection to the form of the
19 question.

20 A. Yes.

21 Q. (By Mr. Maye) Do you recall if the race of
22 Mr. DelVecchia or the child were -- was relayed to the
23 captain?

24 MR. McKAY: Objection to the form of the
25 question.

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1 A. Not that I recall. No race was mentioned of
2 either.

3 MR. MAYE: I have no further questions.
4 Thanks.

5 FURTHER EXAMINATION

6 BY MR. McKAY:

7 Q. You certainly conveyed your unease to the
8 captain, didn't you?

9 A. In what regards to -- in what time when we
10 spoke to the captain?

11 Q. At some point during the flight, you told the
12 captain you were uneasy about the situation of Peter
13 and A.D. traveling together on the plane?

14 A. I relayed to the captain my observations,
15 yes.

16 Q. Which included your unease?

17 A. It included what -- I told him exactly what I
18 had observed.

19 Q. Just as you told the police later in your
20 statement, right?

21 A. Yes.

22 Q. Okay. At no point during the flight did A.D.
23 indicate to you that he was being molested, did he?

24 A. We -- I did not ask him, and he did not say
25 anything in regards to that.

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1 Q. So he never stated to you or to another
2 flight attendant, as far as you know, that he was being
3 molested?

4 A. Not that I recall.

5 Q. And no other passenger indicated to you that
6 they observed A.D. being molested by his father?

7 A. I did not question any passengers. It's not
8 our job.

9 Q. So that would be a no?

10 A. It would be that I did not ask any passengers
11 about the incident.

12 Q. Nor did any passengers tell you that they saw
13 that A.D. was being molested?

14 A. None said anything to me, no. It was not
15 discussed.

16 Q. And no flight attendant told you that they
17 had received any statement from a passenger that they
18 saw this alleged molestation occurring?

19 A. They did not say anything to me if they did.

20 Q. So all you have to base your conclusion that
21 this alleged molestation happened was the statement of
22 Scott that he had seen hands inserted between the legs,
23 right?

24 MR. MAYE: Object to form.

25 A. I didn't allege any molestation.

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1 Q. (By Mr. McKay) No one said you did.

2 A. You just said "alleged molestation," and I
3 said I did not allege molestation.

4 Q. Okay.

5 A. This was not my decision. This was the
6 captain's decision after we gave him all of our
7 observations.

8 Q. My apologies. It's a difference in
9 terminology.

10 So the conclusion that there had been some
11 molestation, right or wrong, came from the statement by
12 Scott that he had seen something?

13 A. I didn't come to any conclusion.

14 MR. MAYE: Objection. Hold on. Hold on.
15 Object to form.

16 THE WITNESS: I didn't come to any
17 conclusions.

18 Q. (By Mr. McKay) Okay.

19 A. I reported what I saw and I went by the
20 captain's instructions.

21 Q. But you do believe that the sexual misconduct
22 must-read is somehow connected to what happened on
23 Flight 2067?

24 A. I believe -- yes.

25 Q. Okay. Fair enough. All right.